

ALAN R. BRAYTON, ESQ., S.B. #73685  
 RICHARD M. GRANT, ESQ., S.B. #55677  
 BRAYTON ♦ PURCELL LLP  
 ATTORNEYS AT LAW  
 222 Rush Landing Road  
 P.O. Box 6169  
 Novato, California 94948-6169  
 (415) 898-1555

Attorneys for Plaintiff

**IN THE UNITED STATES DISTRICT COURT  
 IN AND FOR THE NORTHERN DISTRICT OF CALIFORNIA**

RAYMOND BELL,

Plaintiff,

vs.

ASBESTOS DEFENDANTS (BP), et al.,

Defendants.

No. C09-01104 *MMC*

STIPULATION TO DISMISS  
 DEFENDANT CROWN CORK & SEAL  
 AND REMAND CASE TO SAN  
 FRANCISCO SUPERIOR COURT

AND ORDER THEREON

Come now Plaintiff RAYMOND BELL ("Plaintiff") and Defendant CROWN CORK  
 AND SEAL COMPANY INC. ("CC&S"), who file the following stipulation pursuant to Local  
 Rules 7-1 and 7-12:

WHEREAS, defendant CC&S removed this case to the United State District Court for  
 the Northern District of California on March 13, 2009, on the ground that the court has "federal  
 officer" subject matter jurisdiction under 28 United States Code § 1442(a) based on Plaintiff  
 allegations that his injury was caused by products designed and manufactured by CC&S under  
 the supervision and control of the United States government;

WHEREAS, Defendant CC&S was the sole removing defendant and no other defendant  
 joined in removal or filed a separate notice of removal;

WHEREAS, Plaintiff and Defendant CC&S, the affected parties, have now reached a  
 resolution of Plaintiff' claims against CC&S;

1 WHEREAS, Defendant CC&S's desire for a federal forum for this action is now moot  
2 and given the resolution of Plaintiff's claims against it; and

3 WHEREAS, pursuant to the parties' resolution, Plaintiff and Defendant CC&S seek to  
4 have this action remanded to state court, IT IS HEREBY STIPULATED by the affected parties,  
5 Plaintiff and Defendant CC&S, that all claims against Defendant CC&S shall be, and hereby  
6 are, dismissed with prejudice pursuant to Rule 41 of the Federal Rules of Civil Procedure and  
7 that this action shall be, and hereby is, immediately remanded to the San Francisco County  
8 Superior Court, the court in which it was originally filed and from which it was removed.

9 Dated: March 18, 2009

BRAYTON ♦ PURCELL LLP

10  
11 By: 

Richard M. Grant  
Attorneys for Plaintiff

12  
13  
14 Dated: March 18, 2009

ARMSTRONG & ASSOCIATES, LLP

15  
16 By: 

Attorneys for Defendant CROWN CORK &  
SEAL

17  
18  
19 **PURSUANT TO STIPULATION, IT IS SO ORDERED.** Case is REMANDED to the  
20 Superior Court of California, County of San Francisco, Case No 274531. The Clerk shall send  
21 a certified copy of this Order to the Clerk of the Court for the Superior Court of California,  
22 County of San Francisco.  
23

24  
25 Dated: March 20, 2009

By: 

UNITED STATES DISTRICT COURT